



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED

FEB - 3 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: Rubin et al.
Application No.: 08/477,983
Filed: 06/07/95
For: DNA encoding a growth factor
specific for epithelial cells

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,199.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature in cursive script, reading "Richard E. Schafer".

Richard E. Schafer
Administrative Patent Judge

Filed by:
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Filed
3 February 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

AMGEN, INC.
(Glenn F. Pierce, Regina M. Housley and Charles F. Morris),
Junior Party
(Patent 5,814,605),

v.

THE UNITED STATES OF AMERICA,
as Represented by the Secretary of the Department of Health and Human Services
(Jeffrey S. Rubin, Paul W. Finch and Stuart A. Aaronson),
Senior Party
(Application 08/477,983).

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PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,199

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Richard E. Schafer has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for 2:00 p.m. on **March 29, 2004**(*PTO Time*) (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors: Glenn F. Pierce
Regina M. Housley
Charles F. Morris

Patent: 5,814,605, granted
September 29, 1988
based on application
08/484,065, filed
June 6, 1995

Title: Therapeutic uses of
keratinocyte growth
factor

Assignee: Amgen Inc.

Accorded Benefit: 08/312,483, filed
September 26, 1994

08/040,742, filed
March 26, 1993

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: Jeffrey S. Rubin
Paul W. Finch
Stuart A. Aaronson

Application: 08/477,983, filed
June 7, 1995

Title: DNA encoding a
growth factor specific
for epithelial cells

Assignee: The United States of
America

Accorded Benefit: 08/106,775, filed
August 16, 1993

07/780,847, filed
October 23, 1991

07/304,281, filed
January 31, 1989

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

Claim 1 of U.S. Patent 5,814,605 issued in the name of Pierce et. al.

The claims of the parties are:

Amgen 1-5

U.S. 316-359

The claims of the parties which correspond to Count 1 are:

Amgen 1-5

U.S. 316-359

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Amgen None

U.S. None

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See STANDING ORDER ¶ 3.5.

Paper ____¹

Filed on behalf of [name of party]

By: Name of lead counsel
Name of backup counsel
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Richard E. Schafer)

AMGEN, INC.

(Glenn F. Pierce, Regina M. Housley and Charles F. Morris),
Junior Party
(Patent 5,814,605),

v.

THE UNITED STATES OF AMERICA,

as Represented by the Secretary of the Department of Health and Human Services
(Jeffrey S. Rubin, Paul W. Finch and Stuart A. Aaronson),

Senior Party
(Application 08/477,983).

Patent Interference No. 105,199

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 105,199

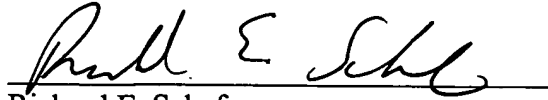
A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge



Richard E. Schafer
Administrative Patent Judge

Date: 2/3/04

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Copy U.S. Patent 5,814,605

Copy of claims of application 08/477,983

Revised May 2003

cc (via overnight delivery):

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